

BIGFORK LAND USE ADVISORY COMMITTEE
Minutes November 20, 2014
4:00 PM Bethany Lutheran Church – Downstairs Meeting Room

Vice-Chairwoman Susan Johnson called the meeting to order at 4:01 p.m.

Present: Board members: John Bourquin, Susan Johnson, Al Johnson, Shelley Gonzales and Lou McGuire. Secretary: Gwen Sutherland. Public: No members of the Public. Flathead County Planning and Zoning: Alex Hogle. Bigfork Water/Sewer: Julie Spencer.

The agenda was adopted (m/s, J.Bourquin/A.Johnson, unanimous)

The minutes of the August 28, 2014 meeting were approved (m/s, A.Johnson/J.Bourquin, unanimous)

Administrator's Report and Announcements:

Sign-in sheet passed around. Planning and Zoning website announced for all documents regarding minutes, agendas and applications. Website: flathead.mt.gov/planning_zoning/documents.

Update on the Montana Club Conditional Use Permit: It was reported that George Ferris stated the owner of the Montana Club in Bigfork has substantially complied with the conditions of the Conditional Use Permit. It has been extended for another year and the property will be looked at again at the end of August 2015.

Update on the next BLUAC meeting: There is an application for December. The next BLUAC meeting was rescheduled to Thursday, December 18 at 4:00 p.m. Location will be announced at a later date.

Public Comment:

There was no public comment.

Application: FCU-14-13 Kyjaco Properties LLC. Conditional Use Permit Application.

An application from Barry Johnston on behalf of Kyjaco Properties LLC requesting a Conditional Use Permit to allow the existing building located at 301 Eagle Bend Drive in Bigfork to be utilized for professional office space. The property is located within the Bigfork Zoning District and is zoned "RC-1 Residential Cluster."

Alex Hogle, Planning and Zoning, presented the Findings of Fact. The property is on 1.6 acres with RC-1 zoning located west of Holt Drive. It is a 1-story building with several offices in it, a reception area and a paved parking area with more than the required spaces as determined by the gross floor area. The property has 19 parking spaces and the landscaping is well-kept and mature. The building was established as a real estate office. The applicant is applying for professional office permit. Hogle explained that professional offices could be used as dental/physician with no overnight care and is compatible with a residential neighborhood. He stated that the building appears to comply with Bigfork Water/Sewer and the Bigfork Fire District.

S.Johnson: Could the building be made into a 2-story loft?

A.Hogle: That would trigger another Conditional Use Permit.

J.Bourquin: How many offices are in the building now?

A.Hogle: 8 offices.

J.Bourquin: Would parking be adequate?

L.McGuire: Could be 8 doctors.

Alex: One business that uses 8 offices.

A.Johnson: What about a condition on maximum number of offices?

Alex: Regulations don't support those constraints.

J.Bourquin: Is there extra parking?

A.Hogle: 19 spaces exceed the criteria.

L.McGuire: Who owns the property to the north?

A.Hogle: It belongs to this property.

A.Johnson: Clarification of easements and roads?

A.Hogle: Showed the members the plat.

L.McGuire: Concerned with traffic circulation.

A.Hogle: Sited a chart in the regulations and stated that the circulation is adequate.

A.Johnson: Concerned about leases and sub-leases.

A.Hogle: We do not deal with lease agreements. The RC-1 zoning allows for more offices and to condominiumize.

J.Bourquin: The signage looks bigger than the sign requirement.

A.Hogle: It would need to comply with the restrictions.

A.Johnson: Is there a penalty for past misuse?

A.Hogle: No

A.Johnson: Restriction on number of tenants?

A.Hogle: No restriction on number of tenants. Parking is based on gross square footage of building.

Chairwoman Johnson asked for an Agency Report.

Julie Spencer, Bigfork Water/Sewer, stated that the water main that crosses the subject property (serving the properties to the west) does not have an easement. Accessing the water main would damage the parking lot on the subject property. The present owner will not grant an easement.

J.Bourquin: Is the applicant aware of the issue?

A.Hogle: Did not know.

Hogle asked Spencer to comment on the issue in a letter.

Spencer stated that a letter would be provided to the County on the issue. She also stated that without an easement, Bigfork Water/Sewer is not clear whether they can access the property. An easement needs to benefit the District.

Hogle stated that he will add the agency comments on the easement issue to his report.

Chairwoman Johnson closed agency comments.

A discussion followed among the BLUAC members concerning additional traffic on Eagle Bend Drive, number of tenants in the building, signage restrictions and lack of water easement which would adversely affect the water service provider (Bigfork Water/Sewer District). The members discussed that Findings of Fact #11 from the County was inaccurate based on Agency comment.

Chairwoman Johnson made a motion be made to adopt the Findings of Fact with the exception of Finding #11. (m/s, L.McGuire/S.Gonzales, unanimous)
BLUAC adopted Findings of Fact excluding #11.

J.Bourquin: What about the application?

L.McGuire: Moved to approve Application FCU-14-13 Kyjaco Properties LLC subject to the resolution of concerns expressed by Bigfork Water/Sewer District regarding the easement for water main and further subject to correction of any issues regarding conformance of Signage. (m/s,L.McGuire/J.Bourquin, unanimous)

There was no old business. There was no new business.

Chairwoman Johnson moved to adjourn the meeting at 5:43 p.m. (m/s, S.Gonzales/L.McGuire, unanimous)

Respectfully submitted,

Gwen Sutherland, Secretary